

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

NOEL MCARDLE-BRACELIN, Individually
and On Behalf of All Others Similarly Situated,

Plaintiff,

v.

EMBASSY SUITES EMPLOYER LLC;
EMBASSY SUITES MANAGEMENT LLC;
CONGRESS HOTEL, LLC; and VEEDER
HOSPITALITY MANAGEMENT, LLC

Defendants.

NOTICE OF MOTION

Case No. 1:20-cv-00861-TJM-TWD

Motion by:

Defendants Congress Hotel, LLC; and
Veeder Hospitality Management, LLC

Return Date, Time and Place:

January 11, at 10:00 a.m., at the United
States District Court for the Northern
District of New York, Albany, New York,
before the Honorable Thomas J. McAvoy.

Supporting Papers:

Attorney Declaration (Jonathan M.
Bernstein, Esq.) with supporting exhibits
and Memorandum of Law.

Nature of Action:

Wage and Hour

Relief Demanded:

On Order from this Court granting the
motion of Defendants Congress Hotel, LLC,
and Veeder Hospitality Management, LLC,
by dismissing, with prejudice and on the
merits, the Third and Fourth Causes of
Action in the Class Action Complaint and
dismissing in part the First and Second
Causes of Action for failure to state a claim
upon which relief can be granted, pursuant
to Fed. R. Civ. P. 12(c); dismissing of any
claim for injunctive/declaratory relief due to
lack of subject matter
jurisdiction/standing/failure to state a claim,
pursuant to Fed. R. Civ. P. 12(b)(1), (h)(3)
and/or (c); dismissing the class action
allegations pursuant to CPLR 901(b) and

Fed. R. Civ. P. 12(b)(1), (h)(3) and/or (c); and dismissing the entire complaint for lack of subject matter jurisdiction, pursuant Fed. R. Civ. P. 12(b)(1), (h)(3); together with such other and further relief that the Court deems just and proper.

Answering Papers:

Answering papers, if any, must be served upon the undersigned at least seventeen days prior to the return date of this motion.

DATED: Albany, New York
December 10, 2020

GOLDBERG SEGALLA, LLP

By:


Jonathan M. Bernstein

Attorneys for Defendants, Congress Hotel, LLC; and Veeder Hospitality Management, LLC

8 Southwoods Boulevard, Suite 300
Albany, New York 12211

To: Carolyn Hunt Cottrell
Schneider Wallace Cottrell Knoecky, LLP
Attorneys for Noel McArdle-Bracelin, Individually and On Behalf of All Others Similarly Situated
2000 Powell Street, Suite 1400
Emery, CA 94608

John J. NesticoSchneider
Wallace Cottrell Knoecky, LLP
Attorneys for Noel McArdle-Bracelin,

Individually and On Behalf of All Others Similarly Situated
6000 Fairview Road
Suite 1200
Charlotte, NC 28210

David Christopher Leimbach
Schneider Wallace Cottrell Knoecky, LLP
Attorneys for Noel McArdle-Bracelin,
Individually and On Behalf of All Others
Similarly Situated
2000 Powell Street, Suite 1400
Emery, CA 94608

Kristabel Sandoval
Schneider Wallace Cottrell Knoecky, LLP
Attorneys for Noel McArdle-Bracelin,
Individually and On Behalf of All Others
Similarly Situated
2000 Powell Street, Suite 1400
Emery, CA 94608

William Hogg
Schneider Wallace Cottrell Knoecky, LLP
Attorneys for Noel McArdle-Bracelin,
Individually and On Behalf of All Others
Similarly Situated
3700 Buffalo Speedway
Houston, TX 94608

Edward G. Melvin, II
Barclay Damon
Attorneys for Embassy Suites Employers LLC
and Embassy Suites Management, LLC
Barclay Damon Tower
125 East Jefferson Street
Syracuse, NY 13202